

# PATENT COOPERATION TREATY

REC'D 29 NOV 2004

WIPO

PCT

From the  
INTERNATIONAL SEARCHING AUTHORITY

PCT

To:

see form PCT/ISA/220

## WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY (PCT Rule 43bis.1)

Date of mailing  
(day/month/year) see form PCT/ISA/210 (second sheet)

Applicant's or agent's file reference  
see form PCT/ISA/220

**FOR FURTHER ACTION**  
See paragraph 2 below

International application No.  
PCT/NL2004/000512

International filing date (day/month/year)  
15.07.2004

Priority date (day/month/year)  
21.07.2003

International Patent Classification (IPC) or both national classification and IPC  
B67D1/04, B67D1/07, B67D1/08, F16L9/22

Applicant  
HEINEKEN TECHNICAL SERVICES B.V.

1. This opinion contains indications relating to the following items:

- ☒ Box No. I Basis of the opinion
- ☒ Box No. II Priority
- ☐ Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- ☐ Box No. IV Lack of unity of invention
- ☒ Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- ☐ Box No. VI Certain documents cited
- ☐ Box No. VII Certain defects in the international application
- ☐ Box No. VIII Certain observations on the international application

### 2. FURTHER ACTION

If a demand for international preliminary examination is made, this opinion will usually be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA"). However, this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of three months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the ISA:



European Patent Office - P.B. 5818 Patentlaan 2  
NL-2280 HV Rijswijk - Pays Bas  
Tel. +31 70 340 - 2040 Tx: 31 651 epo nl  
Fax: +31 70 340 - 3016

Authorized Officer

Wartenhorst, F

Telephone No. +31 70 340-3641



**WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY**

International application No.  
PCT/NL2004/000512

**Box No. I Basis of the opinion**

1. With regard to the **language**, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.
  - ☐ This opinion has been established on the basis of a translation from the original language into the following language , which is the language of a translation furnished for the purposes of international search (under Rules 12.3 and 23.1(b)).
2. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:
  - a. type of material:
    - ☐ a sequence listing
    - ☐ table(s) related to the sequence listing
  - b. format of material:
    - ☐ in written format
    - ☐ in computer readable form
  - c. time of filing/furnishing:
    - ☐ contained in the international application as filed.
    - ☐ filed together with the international application in computer readable form.
    - ☐ furnished subsequently to this Authority for the purposes of search.
3. ☐ In addition, in the case that more than one version or copy of a sequence listing and/or table relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.
4. Additional comments:

**WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY**

International application No.  
PCT/NL2004/000512

**Box No. II Priority**

1. ☒ The following document has not been furnished:

☒ copy of the earlier application whose priority has been claimed (Rule 43bis.1 and 66.7(a)).

☐ translation of the earlier application whose priority has been claimed (Rule 43bis.1 and 66.7(b)).

Consequently it has not been possible to consider the validity of the priority claim. This opinion has nevertheless been established on the assumption that the relevant date is the claimed priority date.

2. ☐ This opinion has been established as if no priority had been claimed due to the fact that the priority claim has been found invalid (Rules 43bis.1 and 64.1). Thus for the purposes of this opinion, the international filing date indicated above is considered to be the relevant date.

3. Additional observations, if necessary:

**Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**

1. Statement

Novelty (N)	Yes: Claims	1-9
	No: Claims	10
Inventive step (IS)	Yes: Claims	1-9
	No: Claims	10
Industrial applicability (IA)	Yes: Claims	1-10
	No: Claims	

2. Citations and explanations

see separate sheet

**Re Item V.**

The following documents are referred to in this communication:

- D1 : DE 198 02 291 A (MOGLER GMBH & CO GEB) 5 August 1999 (1999-08-05)  
D2 : NL 1 019 054 C (HEINEKEN TECH SERVICES) 31 March 2003 (2003-03-31)

**1 INDEPENDENT CLAIM 10**

1.1 The present application does not meet the criteria of Article 33(1) PCT, because the subject-matter of claim 10 is not new in the sense of Article 33(2) PCT.

1.2 Document D1 discloses (the references in parenthesis applying to this document):  
A line (32) comprising a relatively stiff line section (12) with a first part (62) and a second part (72) in contact with one another via sealing means (76) in a contact plane (66) by means of a clamping member engaging a locking element (96, 98; column 6, lines 36-53), and which parts can be taken apart in the longitudinal direction of the line.

1.3 As the line disclosed in document D1 comprises all the features of claim 10, the line is considered as suitable for use as a drink dispenser (PCT Guidelines Ch. 5.21 as in force from March 2004).

**2 INDEPENDENT CLAIM 1**

2.1 Document D2, which is considered to represent the most relevant state of the art to the subject-matter of claim 1, discloses (the references in parenthesis applying to this document):

A drink dispenser provided with a chamber, a tap head having an operating member and which is connected via a line to the outlet of a container.

2.2 From this, the subject-matter of independent claim 1 differs in that:  
The line has a relatively stiff line section with a first part (62) and a second part (72) in contact with one another via sealing means in a contact plane (66) by means of a clamping member engaging a locking element, and which parts can be taken apart in the longitudinal direction of the line.

The subject-matter of claim 1 is therefore novel (Article 33(2) PCT).

2.3 The problem to be solved by the present invention may be regarded as:  
Providing a line which can be cleaned very easily and with which reliable drink

dispensing of carbonated drink is possible.

- 2.4 The solution to this problem proposed in claim 1 of the present application is considered as involving an inventive step (Article 33(3) PCT) for the following reasons:

Document D1 discloses a line section used in dispensers of beer from kegs ("Fassbier"), which provides a pressure reduction which is an alternative for a pressure compensator as referred to in D1. Document D2 discloses a drink dispenser but there is no suggestion, nor teaching in D2 related to a similar problem as referred to in D1. Therefore, it is not obvious to combine the line of D1 with the type of dispenser as disclosed in D2.

Hence, the fact that the internal surface of the line section is exposed and becomes accessible for cleaning when opening the first and second part of the line section, is neither known from, nor rendered obvious by, the available prior art.

- 2.5 Claims 2-9 are dependent on claim 1 and as such also meet the requirements of the PCT with respect to novelty and inventive step.